

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: HU et al.

Application Serial No.: 09/257,272

Filed: February 25, 1999

For: Vascular Endothelial Growth Factor 2



Art Unit: 1646

Examiner: Saoud, C.

Atty. Docket No.: PF112P2D2

**SECOND SUPPLEMENTAL INFORMATION DISCLOSURE**  
**STATEMENT PURSUANT TO 37 CFR 1.97(b)**

Assistant Commissioner For Patents  
Washington, D.C. 20231

Sir:

In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 to inform the Patent and Trademark Office of all documents coming to the attention of each individual associated with the filing or prosecution of the subject application Office of all documents coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of a claim of the subject application, Attorneys for Applicants wish to bring to the attention of the Examiner:

- (a) Statutory Declaration of Peter Adrian Walton Rogers, and exhibit 1;
- (b) Statutory Declaration of Kari Alitalo, and exhibits 1-3; and
- (c) Statutory Declaration of Francis John Ballard and exhibit 1.

The exhibits accompanying the above-listed declarations are documents which were recently brought to the attention of the Applicants in connection with an opposition to an Australian application, which is a member of the family of the U.S. priority application in this case. Although Applicants have determined these documents to be cumulative to the art of

record or immaterial to the pending claims of the U.S. application, Applicants bring these documents to the Examiner's attention in the event that they may be material to the patentability of the pending claims in the instant applications. Copies of each of the above-listed Declarations and accompanying exhibits thereto, are enclosed.

The above information is presented so that the Patent and Trademark Office can determine any materiality thereof to the claimed invention. See 37 CFR 1.104(a) and 1.106(b) concerning the PTO duty to consider and use any such information. It is respectfully requested that the information be considered during the prosecution of this application.

Identification of the listed documents is not to be construed an admission of any individual associated with the filing or prosecution of the subject application that such documents are available as "prior art" against the subject application. Furthermore, Applicants do not waive any rights to appropriate action to establish patentability over any of the listed documents should they be applied as documents against the claims of the subject application.

The Assistant Commissioner is authorized to charge our Deposit Account No. 08-3425 for any fee which may be required in connection with this submission.

Respectfully submitted,

Dated: July 18, 2000

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Enclosures  
MMW/lcc